



~~June 15, 2004 CPC~~  
July 20, 2004 CPC

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

04SN0227

Gelletly & Assoc.

Dale Magisterial District  
Gates Elementary School, Salem Middle School  
and Bird High Attendance Zones  
North line of Courthouse Road

**REQUEST:** Rezoning from Agricultural (A), Residential Townhouse (R-TH) and Light Industrial (I-1) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements.

**PROPOSED LAND USE:**

A residential development with various housing types and at a density of up to 2.9 dwelling units per acre is planned. In addition, commercial uses are proposed for a portion of the property.

**RECOMMENDATION**

Recommend denial for the following reason:

The proposed zoning and land uses do not conform to the Central Area Plan, which suggests the property is appropriate for light industrial use. One (1) of the goals of the Plan is to accommodate expanded industrial development in this part of the Central Area. The Plan recognizes the importance of the Airport to the County's economic vitality and seeks to protect it from land uses that would be in conflict with activities inherent to the Airport's operations. The Plan further suggests that opportunity exists to expand the industrial base of the County with light industrial development in the vicinity of the Airport, and that Airport operations and proposed industrial areas should be protected from residential land use encroachment.

- (NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.
- B. IT SHOULD BE NOTED THAT REVISED AND ADDITIONAL PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES." THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE PROFFERS.)

#### PROFFERED CONDITIONS

1. Master Plan. The Textual Statement dated February 16, 2004 and revised June 29, 2004 shall be considered the Master Plan. (P)
2. Zoning Plan. Tracts shall be located as generally depicted on the Zoning Plan, dated January 12, 2004, and last revised on May 10, 2004, prepared by Balzer and Associates, Inc. The shape and size of Tracts may be modified provided the tracts generally maintain their relationship with each other and any adjacent properties. A plan for any such Tract adjustment shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with provisions of the Zoning Ordinance for Site Plan and/or Subdivision Tentative appeals. (P)
3. The public water and wastewater systems shall be used. (U)
4. The applicant, subdivider, or assignee(s) shall pay the following for each dwelling unit outside of Tract C3 and for each dwelling unit in excess of 40 dwelling units within Tract C3, for infrastructure improvements within the service district for the property, to the County of Chesterfield prior to the issuance of building permit:
  - A. \$8,661.00 per dwelling unit, if paid prior to July 1, 2004. At the time of payment, the \$8,661.00 will be allocated pro-rata among the facility costs as follows: \$259.00 for parks and recreation, \$324.00 for library facilities, \$3,547.00 for roads, \$4,185.00 for schools, and \$346.00 for fire stations; or
  - B. \$4,476.00 per age restricted dwelling unit, if paid prior to July 1, 2004. At the time of payment, the \$4,476.00 will be allocated pro-rata among the facility costs as follows: \$259.00 for parks and recreation, \$324.00 for library facilities, \$3,547.00 for roads, and \$346.00 for fire stations; or

- C. The amount approved by the Board of Supervisors not to exceed \$8,661.00 per dwelling unit (or \$4,476.00 for age restricted dwelling unit), pro-rated as set forth above and adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
  - D. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor.
  - E. Should any impact fees be imposed by Chesterfield County at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B and M)
- 5. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
  - 6. Storm runoff shall be detained on site or improvements made to existing culverts under Courthouse Road to meet current VDOT criteria for secondary roads or a combination of the two measures. (EE)
  - 7. Direct access from the property to Courthouse Road shall be limited to four (4) public roads. The exact location of these accesses shall be approved by the Transportation Department. (T)
  - 8. Any access road that passes through Tract B2 to Tract D shall be a non-lot frontage road from Courthouse Road through Tract B2. (P)
  - 9. Noise Setback. In Tract D, setbacks from Route 288 shall be in accordance with setbacks as required by the Subdivision Ordinance (Section 17-70 (d)). (P)
  - 10. Dedication. Forty-five (45) feet of right-of-way on the north side of Courthouse Road, measured from the centerline of that part of Courthouse Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. Prior to any site plan or tentative subdivision approval, whichever occurs first, a phasing plan for this right-of-way dedication shall be submitted to and approved by the Transportation Department. This right-of-way shall be dedicated in accordance with the approved phasing plan or within sixty (60) days from a written request by the county, whichever occurs first. (T)
  - 11. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:

- a. Construction of additional pavement along Courthouse Road at each approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards;
  - b. Relocation of the ditch along the north side of Courthouse Road to provide an eight (8) foot wide unpaved shoulder, with any modifications approved by the Transportation Department, for the entire property frontage;
  - c. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 11 a., the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
12. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 11, shall be submitted to and approved by the Transportation Department. (T)
13. In Tracts C1, C2, C3 and D, all roads that accommodate general traffic circulation through the development (the "Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Setbacks from the Public Roads shall be as identified for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance. This condition may be modified by the Transportation Department if it is determined that a section of the Roads cannot be designated for State acceptance. For any section of the Roads that have been approved not to be a part of the State System, a plan that insures the continual maintenance of the private streets shall be submitted to, and approved by, the Transportation Department. (T)
14. Sidewalks shall be provided along each side of the interior roads and common driveways to include entrance roads from public roads into the development. The treatment and location of these sidewalks shall be approved by the Planning Department at the time of site plan and/or tentative subdivision review. (P)
15. Street trees in accordance with the requirements of the Zoning Ordinance shall be installed along each side of the interior roads and common driveways to include entrance roads from public roads into the development. If existing trees are maintained, they may be counted toward this requirement. (P)

16. A twenty (20) foot tree preservation strip shall be maintained along the property line adjacent to GPIN's 763-669-5093, 6591, 8288, and 9783 and 764-699-2363, 3451, 4340, and 5429. Utility easements shall be permitted to cross this strip in a perpendicular fashion. Except for removal of dead or diseased trees or to accommodate the utilities described herein, trees that are six (6) inches in caliper or greater shall be retained within this tree preservation strip. (P)
17. Landscaping shall be provided around the foundation of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518(f). Landscaping shall be designed to: minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at the time of site plan or tentative subdivision review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings. (P)
18. Light poles shall have a maximum height of twenty five (25) feet. (P)
19. Restriction on Children's Play Facilities: The common area recreational amenities shall not include playground equipment, play fields or other facilities primarily associated with children's play. Adult facilities including, but not limited to, putting greens, shuffleboard, picnic and barbecue areas and gardens shall be permitted. (P)
20. The applicant, subdivider, or assignee shall provide a minimum 30-foot-wide public access easement through the development, and within this easement install a soft-surface multi-purpose trail. The exact design and location of this easement and trail shall be approved by the Department of Parks and Recreation at the time of site and/or tentative subdivision plan review for the sections and/or Tracts under review. The easements shall be recorded prior to recordation of any lots or site plan approval and the trail installed prior to any occupancy within the same section and/or Tract. All applicants, subdividers, or assignees shall record the easement within two years of the first recordation of plat or site plan approval.

The homeowners association shall provide maintenance of the trail. In addition, the applicant, subdivider, or assignee shall grant to the Department of Parks and Recreation the right, but not obligation, within the easement to provide maintenance operations, planting of supplemental landscaping, installation of park signs, and other incidental facilities to meet trail standards. (P and R)
21. The cell tower located on site shall remain and be required to adhere to the conditions set forth in the Conditional Use Planned Development case number 99SN0203. (P)

22. All private driveways shall be hardscaped. The exact treatment shall be approved by the Planning Department at the time of site plan and/or tentative subdivision review. (P)
23. Single family dwelling units shall have a minimum gross floor area of 1,200 square feet. (P)
24. Multi family dwelling units shall be limited to two to four attached units and shall not exceed a height of two stories. (P)
25. All exposed portions of foundations and exposed piers supporting front porches of each dwelling unit shall be faced with brick, stone veneer, stucco or exterior insulation and finishing systems (EIFS) materials. (P)
26. Visual impacts of garage doors facing the street shall be minimized through the use of architectural fenestration and/or orientation. The exact treatment shall be approved by the Planning Department. A conceptual plan shall be submitted at time of tentative and /or site plan review. A detailed plan shall be submitted and approved by the Planning Department prior to the release of each building permit. (P)
27. Building Materials. Dwelling units shall be constructed with materials such as brick or stone veneer; composition, hardiplank, or vinyl siding; and 20-year asphalt shingles. The Planning Department may approve the use of other building materials of equal or better quality. (P)
28. Focal Point. A minimum of 1.50 acres of open space/recreation area shall be provided as a focal point near the entrance to Tract C1 and shall incorporate into the space a clubhouse/community building that shall serve the entire development. A minimum of 0.20 acres shall be provided as a focal point at the shared entrance to Tract C2/C3 and a minimum of 0.50 acres shall be provided as a focal point at the Double Creek Court entrance to Tract B1. Part of the area shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. A portion of the focal point may include areas devoted to water facilities. The focal point shall be developed concurrent with the Tract in which the area is located and furthermore the clubhouse facility shall be constructed prior to the release of building permits for more than one hundred fifty (150) dwelling units. The exact design and location shall be approved by the Planning Department at the time of site plan and/or tentative subdivision review. (P)
29. Age restriction: Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state, or local legal requirements, multi family dwelling units shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein ("Age-Restricted Dwelling Units"). (P)

30. Virginia Condominium Act: All multi family dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)
31. The overall maximum density shall be 2.9 units to the acre. (P)
32. Restrictive Covenants. The following provisions shall be contained in restrictive covenants which shall be recorded. Further, the following provisions in the restrictive covenants shall not be modified or amended for a period of at least twenty (20) years following recordation:
- a. No unit shall be used except for residential purposes.
  - b. No noxious or offensive activity shall be carried on upon by any resident, nor shall anything be done thereon which may be, or become, an annoyance or nuisance to the neighborhood.
  - c. No structure of a temporary character, trailer, tent, shack, garage, or other outbuilding shall be used at any time as a residence either temporarily or permanently, and to this end, any building to be constructed in this development shall be completed within one year from the issue date of it's building permit.
  - d. No sign of any kind shall be displayed to the public view on any yard except one professional sign of not more than three square feet and one sign of not more than five square feet advertising the property for sale, and one sign of not more than five square feet by a builder to advertise the property during the construction and sales period.
  - e. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purposes.
  - f. No part of this development shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. No rubbish, trash, garbage, and other waste shall be kept by any unit except in sanitary containers, and all equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No central dumpsters shall be provided.
  - g. Each and every covenant and condition herein imposed may be enforced by the undersigned or by the owner of any unit by appropriate proceedings at law or in equity against any party violating or attempting or threatening

to violate the same to prevent or rectify such violation and to recover damages therefore.

- h. The covenants and conditions herein contained shall run with the land and shall be binding upon the subsequent owner or owners of all or any unit and each and every portion of the land shown on the plat and all parties claiming through or under such owner or owners.
- i. All dwelling units shall have washer and dryer hookups. (P)

### GENERAL INFORMATION

#### Location:

North line of Courthouse Road, east line of Doublecreek Court and south line of Route 288. Tax IDs 763-670-8638, 765-668-7392, 766-668-4150, 767-666-7026 and 767-667-5055 (Sheets 17 and 25).

#### Existing Zoning:

R-TH, A and I-1

#### Size:

166.4 acres

#### Existing Land Use:

Communications tower or vacant

#### Adjacent Zoning and Land Use:

North - C-5 and I-1 with Conditional Use Planned Development; Industrial  
South - R-15, R-7 and A; Single-family residential, public/semi-public (Pocahontas State Park and Forest) or vacant  
East - C-2 with Conditional Use Planned Development and C-5; Office or commercial  
West - A; Church or vacant

### UTILITIES

#### Public Water System:

There is an existing twelve (12) inch water line along Courthouse Road, and a thirty (30) inch water transmission main adjacent to the south side of the Route 288 and Iron Bridge Road interchange. Use of the public water system is intended and has been proffered. (Proffered Condition 3)

Public Wastewater System:

There is an existing eight (8) inch wastewater collector line extending along a portion of Courthouse Road that terminates approximately 350 feet east of this site, adjacent to the Centre Court development. The ability to serve the property will be limited. There is an eight (8) inch wastewater collector line along Virginia Pine Court, within the Airport Industrial Park, approximately 950 feet northeast of this site. Access to this line by a gravity line extension will require boring across the Route 288 right of way. The ability to serve the upper portion of the request site by a gravity line extension from this location may be limited. Available capacity must be determined, but will be limited to what the existing eight (8) inch line on Virginia Pine Court, and the existing fifteen (15) line on Whitepine Road will accommodate, after allowing for all existing and future development within the Airport Industrial Park. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 3)

ENVIRONMENTAL

Drainage and Erosion:

A small portion of the property drains to Route 288 and then via manmade conveyance systems to Reedy Creek. The remainder of the property drains southwest under Courthouse Road in at least four locations. All four (4) locations have experienced flooding in the past. A portion of the property has a high groundwater table and exhibits signs of large wetland areas. There are no existing or anticipated onsite drainage or erosion problems. With development of this property, additional runoff will be generated and the frequency of flooding will increase. The applicant has proffered to retain water onsite or improve the culverts under Courthouse Road to meet current VDOT criteria for secondary roads or a combination of the two (2) measures. (Proffered Condition 6)

The property is heavily wooded and should not be timbered without first obtaining a land disturbance permit from the Environmental Engineering Department. (Proffered Condition 5)

County Airport:

The subject property is in an area susceptible to heavy and continuous aircraft operations due to its proximity to the runway at the County Airport and the corresponding airport traffic pattern. The airport consistently receives more complaints from citizens residing in close proximity to the airport. The construction of additional residential units would only compound the situation and threaten the vitality of the County's investment in the airport.

## PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

### Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six (6) new stations, the Plan also recommends the expansion of five (5) existing stations. Based on 482 dwelling units, this request will generate approximately 169 calls for fire and emergency medical services each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 4)

The Airport Fire Station, Company Number 15, currently provides fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

### Schools:

Approximately 214 students will be generated by this development. This site lies in the Gates Elementary School attendance zone: capacity - 715, enrollment - 897; Salem Middle School zone: capacity - 995, enrollment - 1,196; and Bird High School zone: capacity - 1,674, enrollment - 1,816.

This request will have an impact on all schools involved. There are currently nine (9) trailers at Gates Elementary, thirteen (13) at Salem Middle and five (5) at Bird High.

The applicant has agreed to participate in the cost of providing for area school needs. (Proffered Condition 4)

### Libraries:

Consistent with Board of Supervisors' Policy, the impact of development on library services is assessed Countywide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County.

Development in this area would most likely impact the Central Library. The applicant has offered measures to assist in addressing the impact of this development on library facilities. (Proffered Condition 4)

### Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks, and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan also identifies shortfalls in trails and recreational historic sites.

This development will have an impact on parks and recreation facilities. The applicant has offered measures to assist in addressing the impact of this proposed development on these Parks and Recreation facilities. (Proffered Conditions 4 and 20)

### Transportation:

The property (166.4 acres) is currently zoned Agricultural (50.3 acres), Residential Townhouse (10.0 acres) and Light Industrial (106.1 acres). The applicant is requesting rezoning to Residential Townhouse with Conditional Use Planned Development and has proffered that development will not exceed 2.9 units per acre (Proffered Condition 31). The applicant has submitted a plan ("Zoning Plan") that subdivides the property into seven (7) tracts; Tracts A, B1, B2, C1, C2, C3, and D. Tract A (4.4 acres) will be developed for retail (C-1) uses. Tracts B1 and B2, totaling forty-seven (47) acres, will be developed for single family use. Tracts C1, C2 and C3, consisting of seventy-four (74) acres, will be developed for townhouse use. Tract D (41 acres) will be developed for multifamily use, and the applicant has proffered to "age restrict" those units (Proffered Condition 29). This request will not limit development of the proposed retail parcel (Tract A) to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on shopping center, single-family, townhouse and senior adult housing trip rates, development could generate approximately 4,990 average daily trips. These vehicles will be initially distributed along Courthouse Road, which had a 2004 traffic count of 5,650 vehicles per day.

The Thoroughfare Plan identifies Courthouse Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way, measured from the centerline of Courthouse Road, in accordance with that Plan. (Proffered Condition 10)

Access to major arterials, such as Courthouse Road, should be controlled. The applicant has proffered that direct access from the property to Courthouse Road will be limited to four (4) public roads (Proffered Condition 7). Additional access from the property to Courthouse Road will be provided via Doublecreek Court. The proposed retail parcel (Tract A) is located in the northeast corner of the Courthouse Road/Doublecreek Court intersection. Because of its proximity to the Courthouse Road/Doublecreek Court intersection, no access will be permitted from Tract A to Courthouse Road; and therefore, its access will be limited to Doublecreek Court.

As previously stated, this request will allow townhouse and multi-family development on several Tracts. Staff recommends that all of the main streets in these types of developments be accepted into the State Highway System. Having these streets accepted into the State Highway System will insure their long-term maintenance. The applicant has proffered that in all of the proposed townhouse and multifamily Tracts the streets, which accommodate general traffic circulation, will be designed and constructed to State (i.e., the Virginia Department of Transportation) standards and taken into the State System (Proffered Condition 13). The condition allows staff to approve private streets within the townhouse development, if it is determined that they cannot be designed to State standards. If staff approves any private streets, the proffered condition also requires the developer to provide a plan for their continual maintenance. The applicant has prepared a preliminary layout for the project. The layout shows that public roads can be provided throughout the development.

The Subdivision Ordinance requires that subdivision streets must conform to the Planning Commission Stub Road Policy, which suggests that traffic volumes on those streets should not exceed an acceptable level of 1,500 vehicles per day. In accordance with the Stub Road Policy, residential collector streets may be required through parts of the property. Specific recommendations regarding the need for these residential collector streets will be addressed at time of tentative subdivision or site plan review.

Route 288 extends along the northern boundary of the property. Traffic noise from Route 288 will impact this property. The Subdivision Ordinance requires a 200 foot setback, exclusive of required yards, from the Route 288 right of way, unless a noise study demonstrates that a lesser distance is acceptable. Natural vegetation must be retained within the setback area, unless the Planning Commission approves its removal. This Subdivision Ordinance requirement would apply to all the proposed residential Tracts, except for Tract D. However, the applicant has proffered that the 200-foot setback will also apply to Tract D. (Proffered Condition 9)

The traffic impact of this development must be addressed. The applicant has also proffered to: 1) construct additional pavement along Courthouse Road at each approved access to provide left and right turn lanes, based on Transportation Department standards; and 2) relocate the ditch to provide an adequate shoulder along the north side of Courthouse Road for the entire property frontage (Proffered Condition 11). Left and right turn lanes are anticipated to be warranted along Courthouse Road at each public road intersection.

Constructing these turn lanes may require the developer to acquire some "off-site" right of way. According to Proffered Condition 11, if the developer is unable to acquire off-site right of way for these road improvements, the developer may request the county to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the county chooses not to assist with the right of way acquisition, the developer will not be obligated to acquire the "off-site" right of way and will only be obligated to construct road improvements within available right of way.

Most area roads in this part of the county have little or no shoulders with poor vertical and horizontal alignments. The roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Courthouse Road will be directly impacted by development of this property. Sections of this road have approximately twenty-one (21) to twenty-two (22) feet of pavement with minimal shoulders. Courthouse Road can accommodate (Level of Service C) the low volumes of traffic it currently carries. As development continues in this part of the county, traffic volumes on area roads will substantially increase. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development (Proffered Condition 4). Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. There are no public road improvements for this area currently included in the Six-Year Improvement Plan; except for a safety improvement project to realign a short section of Courthouse Road just north of the Yatesdale Drive intersection, scheduled for construction in Spring 2006.

At time of tentative subdivision review or site plan approval, specific recommendations will be provided regarding access to Courthouse Road and the proposed internal street network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	442*	1.00
Population Increase	1,202.24	2.72
Number of New Students		
Elementary	106.08	0.24
Middle	57.46	0.13
High	75.14	0.17
TOTAL	238.68	0.54
Net Cost for Schools	2,142,374	4,847
Net Cost for Parks	306,306	693
Net Cost for Libraries	165,750	375
Net Cost for Fire Stations	177,242	401
Average Net Cost for Roads	1,816,178	4,109
TOTAL NET COST	4,607,850	10,425

\* Based on a proffered maximum density of 2.9 units per acre (Proffered Condition 31) reduced for forty (40) units permitted on Tract C3. Actual number of units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development. The applicant has been further advised that a maximum proffer of \$4,815 per unit would defray the cost of capital facilities necessitated by development of the age-restricted portion of the proposed development, as it will not have an increased impact on school facilities. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash and improvements to assist in defraying the cost of this proposed zoning on such capital facilities (Proffered Condition 4). The applicant has proffered cash in the amount of \$8,661.00 per dwelling unit for non-age restricted units and \$4,476.00 per age-restricted dwelling units. In addition, the applicant has proffered to construct a trail throughout the development. (Proffered Condition 22)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the cash proffer and trail in this case.

### ECONOMIC DEVELOPMENT

The Economic Development Department does not support this request. The Central Area Plan clearly stresses the importance of maintaining and protecting existing and proposed industrial areas from conflicting land uses. Further, the Plan seeks to maintain high quality residential development, together with the provision of high quality employment opportunities. The need is to preserve established residential areas, while accommodating the area's strong potential for economic development.

The Economic Growth and Business Development Recommendations section of the Plan identifies this area as an important asset and long-term critical component to balance and support the growth of the County.

### LAND USE

#### Comprehensive Plan:

Lies within the boundaries of the Central Area Plan which suggests the property is appropriate for light industrial use. The intent of the Plan is to locate residential uses as far away from the operational area of the airport as possible and to have the more compatible light industrial uses closer to the airport.

### Area Development Trends:

Area properties to the south and west are zoned Agricultural (A) and Residential (R-7 and R-15) and are occupied by single family residential dwellings, Pocahontas State Park and Forest or are currently vacant. Properties to the north, southeast and east are zoned and developed for office, commercial and industrial uses. The Plan anticipates light industrial uses along the Courthouse Road corridor, between Courthouse Road and Route 288 and further residential development to the southeast, south of Courthouse Road.

### Zoning History:

On September 23, 1981, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved a rezoning and Conditional Use Planned Development on property, which included a portion of the subject property. (Case 81S073)

On August 24, 1983, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved an amendment to Case 81S073 relative to minimum size for townhouse units and to architectural style on a portion of the request property. (Case 83S029)

On April 28, 1999, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved a Conditional Use Planned Development on a portion of the subject property to allow communications tower use (Case 99SN0203). Subsequently, that communications tower was erected. Through this application, the applicant has indicated the communications tower is to remain and continue to be subject to the conditions of approval of Case 99SN0203. (Proffered Condition 21)

### Development Standards:

The applicant has submitted a Textual Statement with this application, which is to be considered the Master Plan (Proffered Condition 1). The Textual Statement identifies use limitations for each tract as identified on the Zoning Plan as well as any Ordinance exceptions being requested. A Zoning Plan has been submitted, which divides the property up into seven (7) Tract; Tracts A, B1, B2, C1, C2, C3 and D (Proffered Condition 2). The Zoning Plan identifies the general relationship of the Tracts to each other.

#### Commercial:

Tract A is to be developed for commercial uses and is to comply with the requirements of commercial development in the Convenience Business (C-1) District. This would limit commercial development to no more than 5,000 gross square feet per acre with individual buildings not to exceed 8,000 gross square feet. Uses are limited to those allowed in the C-1 District, except massage clinics are not permitted. (Textual Statement, Item I)

While Tract A would not be subject to Emerging Growth District Area standards, should this request be approved, a condition should be imposed which would require adherence to these standards. The Zoning Ordinance specifically addresses access, landscaping, setbacks, parking, signs, buffers, utilities and screening of outside storage for properties in this District. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects.

#### Residential:

Tracts B1 and B2 are to be developed for single family residential uses. Except as noted in the Textual Statement (Item II), Tracts B1 and B2 are to comply with the requirements of residential development in the Residential (R-12) District. Specifically, in the Textual Statement the applicant is requesting exceptions to minimum lot size and width requirements as well as setback requirements.

Tracts C1, C2 and C3 are to be developed for residential townhouse uses. Except as noted in the Textual Statement (Item III), these tracts are to comply with the requirements of residential development in the Residential Townhouse (R-TH) District. Specifically, in the Textual Statement the applicant is requesting exceptions to lot width requirements and the requirement to provide recreational areas.

Tract D is to be developed for multifamily residential uses. Except as noted in the Textual Statement (Item IV), this tract is to comply with the requirements of residential development in the Multifamily Residential (R-MF) District. Specifically, in the Textual Statement the applicant is requesting exceptions to setbacks, provision of curb and gutter around parking areas and driveways, pavement width of roads and the requirement to provide recreational areas. In addition, the applicant has agreed that the multifamily units within Tract D shall be condominiums. (Proffered Condition 30)

The applicant has agreed that all private driveways will be hardscaped as well as to a minimum house size for single family dwellings (Proffered Conditions 22 and 23). In addition, within the multifamily development, the applicant has offered a cap on the number of units which may be attached and to a maximum height of two (2) stories. (Proffered Condition 24)

#### Architectural Treatment:

The applicant has proffered that dwelling units will be constructed of certain materials (Proffered Condition 27). Proffered Condition 27 also suggests the Planning Department may approve other materials of equal or better quality. This is not a proffer that is typically accepted in similar past cases, as it is difficult to enforce when making a determination as to what is equal or better when it comes to quality. If it is the decision

to approve this request, staff would recommend the Proffered Condition 27 not be accepted.

The applicant has also agreed to certain architectural materials for the exposed portions of foundations and exposed piers. (Proffered Condition 25)

#### Recreation and Open Space:

The Zoning Ordinance requires that not less than ten (10) percent of the gross acreage of a multifamily project be devoted to recreational use, with a minimum provision of 1.5 acres. As previously noted, Tract D is to be developed for multifamily uses. The applicant has agreed to provide a minimum total of 2.2 acres of open space/recreation areas within the project (Proffered Condition 28). These areas are to be located within Tracts B1 and C1 through C3. None is to be allocated to Tract D, the only multifamily tract in the development. In addition, Tract D has approximately 41 acres; therefore, per Ordinance a minimum of 4.1 acres of open space/recreation area should be provided as a focal point within this tract. For those focal point areas provided, as discussed above, the applicant has agreed that certain amenities to accommodate and facilitate gatherings would be included and that certain of those facilities would be constructed prior to the release of building permits for more than 150 dwelling units. (Proffered Condition 28)

The applicant has also proffered that these common recreational areas will not include amenities primarily associated with children's play. (Proffered Condition 19)

#### Sidewalks and Pedestrian Paths:

The Zoning Ordinance requires that sidewalks be provided within a residential multifamily project. Higher density developments warrant the provision of sidewalks on both sides of all internal rights of way to provide a form of passive recreation as well as a safe and convenient access to open space areas within the development. The applicant has agreed to provide sidewalks along each side of all interior streets and common driveways. (Proffered Condition 14)

Further, the applicant has agreed to provide an easement and soft-surface multipurpose trail throughout this development connecting the Government Center complex to Pocahontas State Park. This trail would serve the public and as a recreational amenity for the private community. (Proffered Condition 20)

#### Garages:

To address concerns relative to the appearance of garage doors facing adjoining streets, the applicant has agreed to the use of architectural features and/or orientation to minimize the visual impact. Given the close proximity of the proposed dwelling units to one another and to the streets, limiting garage doors to side and rear entry provides a better guarantee that their impact on the street and scope will be softened. (Proffered Condition 26)

### Landscaping and Lighting:

Street trees and landscaping should be provided to enhance the residential appeal of the development, define private spaces and minimize the predominance of building mass and paved areas. The applicant proposes that street trees be planted along each side of interior roads and common driveways to include any entrance roads from public roads into the development (Proffered Condition 15). Landscaping is to be installed around the foundation of all buildings, between buildings and driveways, within medians and within common areas not occupied by recreational facilities. (Proffered Condition 17)

The applicant has proffered to provide a tree preservation strip adjacent to several single family residential properties which front along Courthouse Road (Proffered Condition 16). As this tree preservation strip will be recorded as part of each individual lot and not in common area, it may become difficult for staff to enforce the integrity of this strip if those property owners upon whose lot the strip is recorded decide to clear the vegetation.

In addition, the applicant has agreed that any light poles within the development will not exceed a height of twenty-five (25) feet. (Proffered Condition 18)

### Covenants:

Proffered Condition 32 would require recordation of restrictive covenants for the subject property. It should be noted that the County will only insure the recordation of the covenants and will not be responsible for their enforcement. Once the covenants are recorded, they can be changed.

### CONCLUSIONS

The proposed zoning and land use do not conform to the Central Area Plan which suggests the property is appropriate for light industrial use. One (1) of the goals of the Plan is to accommodate expanded industrial development in this part of the Central Area. The Plan recognizes the importance of the Airport to the County's economic vitality and seeks to protect it from land uses that would be in conflict with activities inherent to the Airport's operations. The Plan further suggests that opportunity exists to expand the industrial base of the County with light industrial development in the vicinity of the Airport, and Airport operations and proposed industrial areas should be protected from residential land use encroachment.

Given these considerations, denial of this request is recommended.

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### CASE HISTORY

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#### Planning Commission Meeting (6/15/04):

On their own motion, the Commission deferred this case to July 20, 2004.

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Staff (6/16/04):

The applicant was advised in writing that any significant new or revised information should be submitted no later than June 21, 2004, for consideration at the Commission's July 20, 2004, public hearing.

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Staff (6/30/04):

A revised Textual Statement and proffered conditions were received.

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Textual Statement  
Gelletly Tract  
Case No.: 04SN0227  
February 16, 2004  
Revised June 4, 2004  
Revised June 14, 2004  
Revised June 29, 2004

I. Tract A

Limited to those uses permitted by right or with restrictions in the Convenience Business C-1 District, with the exception of massage clinics, subject to the Ordinance requirements for these uses.

II. Tract B1 & B2

Limited to Single Family dwellings, subject to the requirements of the Zoning Ordinance for the Residential (R-12) district, except as follows:

1. Lot Area and width. Each lot shall have an area of not less than 7,000 square feet and a lot width of not less than 60 feet.
2. Side Yard. Two side yards, one a maximum of six (6) feet, the other a minimum of ten (10) feet.
3. Front Yard. Minimum of twenty-five (25) feet in depth.
4. Rear Yard. Minimum of twenty-five (25) feet in depth.
5. Corner Side Yard. Minimum of twenty-five (25) feet in depth.

III. Tract C1, C2, & C3

Limited to Residential Townhouse dwellings subject to the requirements of the Zoning Ordinance for the Residential Townhouse (RTH) district, except as follows:

1. Lot Width. A four (4) foot exception to the thirty-four (34) foot lot width for townhouse rows or groups having five or more lots;
2. An exception to the requirement to provide recreational areas.

#### IV. Tract D

Limited to Multi-family residential dwellings subject to the requirements of the Zoning Ordinance for the Residential Multi-Family (R-MF) Districts, except as follows:

##### A. Setbacks

1. A twenty (20) foot exception to the twenty-five (25) foot setback requirement for structures from driveways providing access exclusively to parking areas.
2. A fifteen (15) foot exception to the fifteen (15) foot setback requirement for structures from parking spaces.
3. A five (5) foot exception to the thirty (30) foot minimum distance between buildings;

##### B. Driveways and Parking Areas

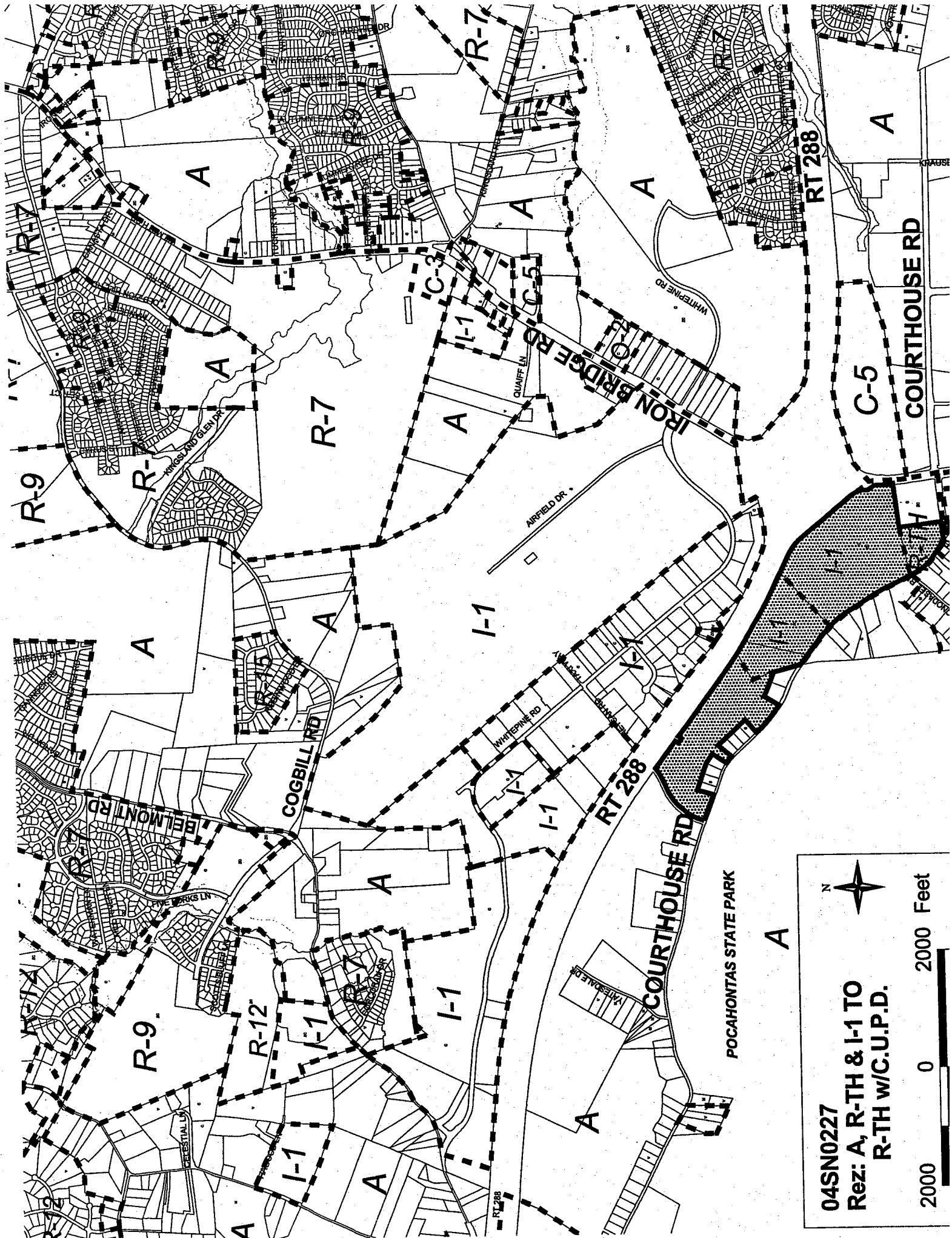
An exception to the requirement that driveways and parking areas have curb and gutters.

##### C. Roads

A nine (9) foot exception to the twenty-four (24) foot pavement width requirement for private driveways providing access exclusively to parking areas.

##### D. Recreation Areas

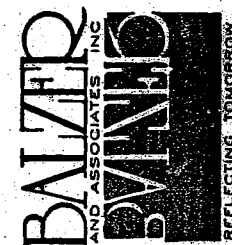
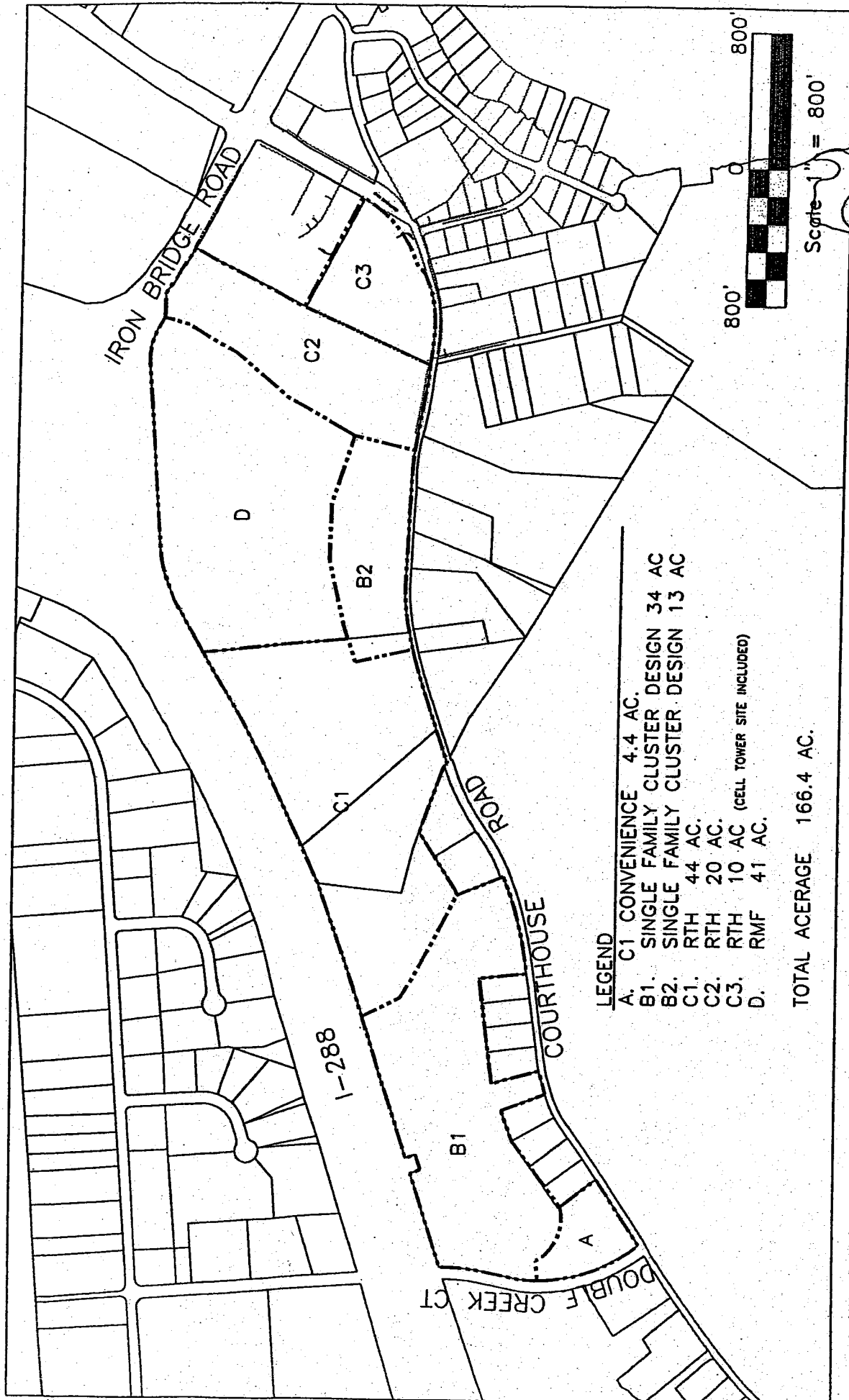
An exception to the requirement to provide recreational areas.



04SN0227

Rez: A, R-TH & I-1 TO  
R-TH w/C.U.P.D.

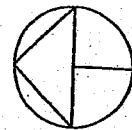
2000 0 2000 Feet



DRAWN BY:JSF

## ZONING PLAN

DATE: 01/12/04  
REV: 02/12/04  
REV: 05/10/04



NORTH

04SNO227-1